

	JJO	T/I Rule Review - Review Assignments (Group # 1 Intent/Goals -Defintion:			
	cz 4/21/2008				
			Review Assignments		
Key question number	FPR Rule Sec.	Title or Subject	Review Issues	Key Questions	Assigned Review Group
1	§ 895.1	Definitions	Consistency with BOF policy	Do the definitions still apply?	BOF Staff/FPC
2	§ 895.1	Definitions	Clarity and organization	Are any definitions ambiguous, not clear?(ref: L12-1)	BOF Staff/FPC
3	§ 895.1	Definitions	Clarity and organization	Should definitions be limited to describing a term and not include the level of consideration that the term should be afforded?(ref: L6-2, L6-4)	BOF Staff/FPC
4	§ 895.1	Definitions	Consistency with other agency policies and laws	How do definitions, specifically the "watersheds with threatened or impaired values" definition, appropriately reflect relationship between TMDL impairment listings and CESA listing?(ref: L12-1)	BOF Staff/FPC Agencies
5	§ 895.1	Definitions	Consistency with other agency policies and laws	Should the road decommissioning definition (adopted in coho rules 2007) to add the phrase "to the extent feasible" and what is the legal or policy basis for this? (ref: L12-1)	BOF Staff/FPC Agencies CAL FIRE
6	§ 895.1	Definitions	Consistency with other agency policies and laws	Does the "watersheds with threatened or impaired values" definition reflect geographic scope consistent with your agency's laws and policies?	Agencies
7	§ 895.1	Definitions	Science basis	Should "channel zone" definition delete bankfull stage, and floodplain references? (ref L6-3)	TAC/Science experts
8	§ 895.1	Definitions	Science basis	14CCR916.2 Subsection (a)(3) specifies that protection of riparian habitat. Given this is an undefined term, how far from the wetted channel does this extend? (ref L6-14)	TAC/Science experts
9	§ 916 [936, 956]	Intent of Watercourse and Lake Protection		Review for appropriate policy.	BOF Staff/FPC
10	§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy and FPA	Is term "providing equal consideration" as a goal for beneficial use protection consistent with the Forest Practice Act? (ref L5-2)	BOF Staff/FPC Board legal
11	§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy and FPA	Is term "potentially significant adverse" consistent with definition on page 16 of the FPR? (ref L5-2)	BOF Staff/FPC Board legal
12	§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Should term at "native aquatic and riparian species" be defined for clarity of intent and if so, what should the definition be? What is the legal, policy, or science basis for this? (L6-5)	BOF Staff/FPC CAL FIRE Agencies

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13	§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Is the term "feasible measures", as used in the Forest Practice Rules, consistent with the phrase "maintain where they're in good condition, protect where they are threatened and insofar as feasible, restore where they are impaired"? In the same phrase does the term threatened and impaired mean dictionary or legal definition? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L6-6)	BOF Staff/FPC CAL FIRE Agencies board legal
14	§ 916 [936, 956] (b)(1)	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Does the stated prohibition from discharge that could affect beneficial functions of riparian zones expand and be inconsistent with requirements under §916.3? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L6-7)	BOF Staff/FPC CAL FIRE Agencies board legal
15	§ 916 [936, 956] (b)(1) and (2)	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Is the term or approach of using "deleterious quantities" consistent with all water board regulatory standards? Is use of this term an appropriate standard consistent with other agency laws and policies? Does the deleterious quantities approach applied to removal of water, trees or woody debris from a riparian area meet all agency's policy and legal considerations? Does this standard expand upon what is legally required?(ref L6-7, L6-8, L6-10)	BOF Staff/FPC CAL FIRE Agencies board legal
16	§ 916 [936, 956] (c)	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Does the requirement for equal consideration as a management objectives with respect to protecting and restoring native aquatic riparian associate species and the beneficial functions of the riparian zone expand upon the equal consideration standard in §916 which is limited to beneficial use of water? Does this standard expand upon what is legally required? (ref L6-9, L6-10)	BOF Staff/FPC CAL FIRE Agencies board legal
17	§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Should application of protection measures (based on conditions of resource values) be expanded to appurtenant roads, including those roads outside of the watershed or outside of the THP boundary? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L6-11)	BOF Staff/FPC CAL FIRE Agencies Board legal
18	§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy	Should terminology stating "potentially significant adverse impacts" be changed to "significant adverse impacts to the environment" for consistency with existing definitions in the Forest Practice Rules? Ref L6-12, L6-5). To what extent should the threatened or impaired rule language precisely use CEQA guideline terminology?	BOF Staff/FPC Board legal

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19	§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with other agency policies and laws	What should be the basis for determining where values need to be restored? Is the term "where needed" too vague? Should language used in section 916 be used instead? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L12-3)	BOF Staff/FPC Agencies
20	§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with FPA and other agency policies and laws	Do requirements for achieving goals of restoration exceed CEQA requirements, functional certification, and Forest Practice Act? (ref L5-3)	Board legal
21	§ 916.2 [936.2, 956.2] (a)(1)	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Do protection measures for restorable quality of beneficial uses of water go beyond water quality control plan requirements for existing and potential beneficial uses? From your agency's perspective, what is the legal, policy, or science basis for this?(ref L6-13)	Board legal Agencies
22	§ 916.2 [936.2, 956.2](b)	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Should the term "minimum protection measures" be replaced with term "standard protection measures"? Use of the term minimum implies rules can only be increased and not decreased. Is this consistent with board policies, Forest Practice Act and other agency laws and policies? (L6-15, L12-3a)	Board legal Agencies
23	§ 916.2 [936.2, 956.2] (a)(2)	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	What should be CAL FIRE role in the process of determining restorability on plans where plan submitter and DFG have different views of restorability on a particular THP? What is the legal or policy basis for your agency's perspective? (ref L12-3a)	CAL FIRE Agencies/DFG BOF Staff/FPC
24	§ 916.2 [936.2, 956.2](b)	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Should the term "minimum protective measures" be deleted since the classifications are used to determine the appropriate protection measure, not just minimums? What is the legal or policy basis for your agency's perspective?(ref L12-3a)	Board legal Agencies CAL FIRE
25	§ 916.9 [936.9, 956.9] (a)	Protection and Restoration in Watersheds with Threatened or Impaired Values		Review for appropriate policy.	BOF Staff/FPC

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26	§ 916.9 [936.9, 956.9] (a)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy Science basis	This section establish standards for conduct including compliance with the sediment TMDLs, no measurable decrease in stability of channels, no blockage of migratory routes, no measurable stream flows reductions during water drafting, protection of snags and down logs in riparian zone, and vegetative canopies for shading.Are these appropriate indicators of no significant impact to listed fisheries?	TAC
27	§ 916.9 [936.9, 956.9] (a)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis	Have threatened or impaired rules created unintended consequences to biodiversity specifically to terrestrial wildlife species by retaining dense buffer strips? What is the science or policy basis for your agency's perspective?(ref L3-4, L4-6)	TAC Agency/DFG
28	§ 916.9 [936.9, 956.9] (a)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis	Has any monitoring been conducted related to effect on non-salmonid species due to implementation of the T/I rules and if so what are the findings and scientific robustness of the monitoring information? (ref L4-6)	TAC Agency/DFG MSG/IMMP
29	§ 916.9 [936.9, 956.9] (a)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis Consistency with BOF policy and other agency policies and laws	How should selection harvesting or other restoration practices promoting habitat conditions for non-salmonid species be considered? Should selection harvesting be permitted in riparian zones for purposes of improving habitat for other species? What is the legal, policy or science basis for your agency's perspective?(ref L4-6)	TAC Agencies MSG/IMMP
30	§ 916.9 [936.9, 956.9] (a)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis Consistency with BOF policy and other agency policies and laws	Are the existing goals relevant to achieving conditions directly affected by forest regulation? To what extent should Forest Practice Rules contribute to larger agency goals of meeting the TMDL requirements or species recovery requirements? (ref L11-1)	TAC Agencies BOF Staff/FPC
31	§ 916.9 [936.9, 956.9](916.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis Consistency with BOF policy and other agency policies and laws	How have threatened or impaired rule compliance met or not met TMDL requirements? (ref L8-1)	CAL FIRE Agencies/WBs MSG/IMMP

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32	§ 916.9 [936.9, 956.9](916.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy, FPA, and other agency policies and laws	In watersheds that do not have adopted TMDLs, must operations be planned so they do not result in any measurable sediment load increase to a watercourse or lake? If so, this standard is greater than for watercourses within adopted TMDLs, which permit a specified sediment load increase. What is the policy or legal basis for your agency's perspective on this? (ref L12-4)	Agencies/WBs CAL FIRE
33	§ 916.9 [936.9, 956.9](916.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy, FPA, and other agency policies and laws	Should T/I rules in watersheds without a TMDLs be designed to be consistent with 303(d) goals? What is the policy or legal basis for your agency's perspective on this? Because T/I rules have a goal of preventing deleterious interference and TMDL/303(d) requires restoration, T/I rules are not consistent at 303(d) goals. (ref L16-1)	Agencies/WBs CAL FIRE BOF Staff/FPC board legal
34	§ 916.9 [936.9, 956.9](916.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy, FPA, and other agency policies and laws	Should threatened or impaired rules be required to restore conditions and comply with adopted TMDLs? What is the legal basis for requiring restoration through the threatened or impaired rules? (ref L17-1)	Agencies/waterb oard CAL FIRE BOF Staff/FPC board legal
35	no specific rule section (Intent - Rule Group 1)		Clarity and organization	What it is a more functional organization for the threatened or impaired rules such as assembling similar rules or using road rule committee suggestions for organization? (ref L4-9)	BOF Staff/FPC CAL FIRE Road rule committee
36	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Should a more site-specific approach be developed for rule requirement, as opposed to one-size-fits-all? What is the legal, policy, or science basis for your agency's perspective? (ref L3-2, L4-12, L5-1)	BOF Staff/FPC Agencies
37	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Should watershed based condition assessments that focus on find it and fix it solutions be an alternative rule structure versus the prescriptive set of existing rules? Should performance-based rules be developed as an option to prescriptive rules?(ref L3-2, L4-12, L5-1)	BOF Staff/FPC
38	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Is there overlap with how definitions related to beneficial functions are linked to general policy considerations in §916 and §916.2.? What is the science, policy or legal basis for this? (ref L6-1)	BOF Staff/FPC Agencies
39	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Should rules state that small contributions to pre -project cumulatively considerable adverse conditions be avoided, minimized or mitigated? What is the legal, policy, or science basis for your agency's perspective?(ref L7-5)	BOF Staff/FPC Agencies TAC

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40	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Should a 303(d) listed waterbodies or CESA listed species elevate the goal of restoring the listed entity above the goal of maximizing sustainable timber production per the FPA? Should such listings require evidence from project proponent for clearly demonstrating contribution towards recovery or conserving the listed entity? What is the legal, policy, or science basis for your agency's perspective? (ref L16-2, L16-3)	BOF Staff/FPC Agencies board legal
41	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	What is the legal or policy basis for corrective or restoration actions being required on non-TMDLs water bodies which are approaching listings? Should separate corrective or restoration actions related to or separate from THP implementation be conducted by the BOF? (ref L16)	BOF Staff/FPC Agencies board legal
42	no specific rule section (Intent - Rule Group 1)		Science basis Consistency with other agency policies and laws	What is the science basis for assertion that Class II watercourses do not meet North Coast Regional Water Quality Control Board temperature and TMDLs? (Ref 17-5)	BOF Staff/FPC Agencies TAC
43	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	What is the legal or policy basis for watershed restoration in 303(d) listed watersheds being on par or superseding maximum sustainable production mandates of the Forest Practice Act? (ref17-7)	BOF Staff/FPC Agencies board legal
44	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Do existing goals and intent sections of the T/I rules exceed Forest Practice Act, CEQA, or APA requirements? Specifically do the threat nor impaired rule goals exceed the "equal consideration" reference of the Forest Practice Act (ref 18-1, 18-2,18-4)	BOF Staff/FPC board legal
45	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Do existing threatened or impaired goals exceed board policy (310.4) related to "due consideration" to other resource values or exceed Forest Practice Act under PRC 4512 (c)" giving considerations to the public's need for watershed protection"? (ref 18-6, 18-2,18-7, 18-8, 18-9)	BOF Staff/FPC board legal
46	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	CEQA guidelines for functional certification require enabling legislation for regulatory programs to contain authority for protection of the environment. Do other agency laws or policies that require more than protection of environment supersede CEQA guidelines? (ref 18-10)	BOF Staff/FPC Agencies board legal
47	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	The Administrative Procedures Act requires regulations be adopted within the scope of authority prescribed by certain laws (the FPA for T/I rules) Are APA project impact mitigation requirements per GC 11340(d) exceeded by T/I rules? (ref 18-12 and 18.12a, 18-13, 18-14, 18-15, 18-16)	BOF Staff/FPC Agencies board legal

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48	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	The APA requires consideration of performance standards. Should performance standards be established to meet other agency goals beyond the Forest Practice Act?(ref 18-13, 18-14, 18-15, 18-16)	BOF Staff/FPC Agencies board legal
49	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Does the achievement of other agency goals,such as implementing restoration requirements, exceed regulatory functional certification requirements, where a regulation shall not be approved or adopted if there are feasible alternatives or mitigations available (PRC21080.5).(ref L18-13, 18-14, 18-15, 18-16, 18-18)	BOF Staff/FPC Agencies board legal
50	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Do the threatened impaired rules exceed Fish and Game code requirements to mitigate impacts (FGC 2081)? Specifically, take permits may be authorized when measures to meet the permit are roughly proportional to the extent of the impact and measures required shall maintain the applicant objectives to the greatest extent possible. (ref L18-19, 18-20)	BOF Staff/FPC Agencies board legal
51	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	What are the limiting factors regional water board consider when adopting a TMDL? Did the water boards engage the BOF during the adoption and implementation of TMDLs strategies? (ref L18-21, 18-22)	BOF Staff/FPC Agencies board legal CALFIRE